

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

|                         |   |                                     |
|-------------------------|---|-------------------------------------|
| TRACY EUGENE JONES,     | ) | Case No. 1:21-cv-01207 JLT SAB (PC) |
|                         | ) |                                     |
| Plaintiff,              | ) | ORDER ADOPTING THE FINDINGS AND     |
|                         | ) | RECOMMENDATIONS DENYING             |
| v.                      | ) | MOTION FOR SUMMARY JUDGMENT         |
|                         | ) |                                     |
| HENRY C. AGUWA, et al., | ) | (Docs. 31, 37)                      |
|                         | ) |                                     |
| Defendants.             | ) |                                     |
|                         | ) |                                     |

This action is proceeding against Defendants T. Cisneros, Henry Aguwa, and R. Dela Cruz for violations of Plaintiff's First Amendment right to free exercise of religion and Fourteenth Amendment right to equal protection. Cisneros filed a motion for summary judgment for failure to exhaust the administrative remedies. (Doc. 31.) The assigned magistrate judge entered Findings and Recommendations recommending that Cisneros' motion for summary judgment be denied because grievance log number 35977 was sufficient to exhaust the claims against all defendants, including Cisneros. (*Id.* at 10.)

The Court granted the parties 21 days to file objections to the Findings and Recommendations (Doc. 37 at 11), and the Court advised them that the "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) Cisneros filed a statement of non-opposition to the Findings and Recommendations. (Doc. 39.)

1 According to 28 U.S.C. § 636 (b)(1)(C) and *Britt v. Simi Valley United School Dist.*, 708 F.2d  
2 452, 454 (9th Cir. 1983), this Court conducted a *de novo* review. Having carefully reviewed the entire  
3 matter, the Court concludes the magistrate judge's Findings and Recommendations are supported by  
4 the record and by proper analysis. Thus, the Court **ORDERS**:

- 5 1. The Findings and Recommendations issued on June 6, 2022 (Doc. 37), are adopted.
- 6 2. Defendant Cisneros' motion for summary judgment (Doc. 31) is denied.
- 7 3. The matter is referred to the magistrate judge for further proceedings.

8  
9 IT IS SO ORDERED.

10 Dated: **July 8, 2022**

  
UNITED STATES DISTRICT JUDGE